Examiner has failed to overcome arguments submitted in Applicants' previously filed Amendment distinguishing the limitations in the claims of the present invention over Cerf et al. Applicants respectfully traverse these rejections.

Applicants submit that neither Cerf et al. nor Ogasawara et al. taken alone or in any proper combination, disclose, suggest or render obvious the limitations in the combination of the claims of the present application of, inter alia, providing access to the LAN to the at least one mobile device in response to receiving the demographic information about the user

Cerf et al. discloses an Internet radio communication system that includes mobile units distributed within a wireless communication network which are connected to a packet switched network (e.g., the Internet) via a proxy server. The proxy server converts unicast data packets coming from the packet switched network to multicast data packets being transmitted to the mobile units, and is also responsible for the overall management and control of the communication system.

In short, Cerf et al. (US 6,418,138) is concerned with optimizing the use of the wireless network via multicast, particularly a somewhat wider area network, typically spread out across a neighborhood or city in order to reduce unnecessary bandwidth usage. This is achieved with a proxy server that converts unicast data packets coming from a packet switched network to multicast data packets that are transmitted to mobile units connected to a wireless communication network, if more than one mobile unit requests a same service.

Ogasawara et al. discloses a customer recognition system using wireless identification and visual data transmission that includes an electronic shopping system, providing for customer recognition using wireless identification and visual

data transmission to point-of-sale terminals and other terminal types located in a commercial establishment. A customer's visual image is taken as a customer enters the establishment and that customer's identification number is obtained from a customer identification card, if the customer possesses such a card. The visual image data is bundled with the customer's demographic profile data, transaction history data and the customer's current accrued store loyalty or incentive points into a customer data record. The customer data record is forwarded to point-of-sale terminals, store workstations, mobile terminals, or other I/O devices capable of displaying multiple customer records. The establishment staff is able to access each of the customer records in order to visually identify customers as they enter the establishment, without the customers needing to announce themselves or otherwise advertise their presence. A customer's visual image can also be acquired as a customer accesses a check-in kiosk terminal prior to beginning a shopping excursion. The acquired customer visual image is bundled with customer preference data and made available to the establishment's staff for visual recognition of each individual customer.

In short, Ogasawara is concerned with providing an electronic system that is able to collect and store customer recognition information in real-time and make that information available to store clerks in order to provide means to recognize each customer and obtain the customer profile and shopping preferences of said customer.

To establish a prima facie case of obviousness, the Examiner has the burden of proving that following three basic criteria are met.

1) There must be some suggestion or motivation to modify the reference teachings.

2) There must be a reasonable expectation of success.

3) The prior art references must teach or suggest all the claim limitations.

Both the teaching and suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, and not based on Applicant's disclosure. All three of these criteria must be met in order to support a finding of a prima facie obviousness of a claimed invention (see, e.g., MPEP § 2142J).

Applicants assert that when considering the teachings of Cerf et al. and Ogasawar et al., there is no reason or suggestion to combine these references because Cerf et al. discloses a wide-area network proxy, or gateway that is capable of multicasting information to mobile units connected to a wireless network in order to reduce bandwidth, and Ogasawara in turn, teaches a user recognition system that can be used to assist store clerks in order to provide more personalized service to customers.

Applicants submit that none of the above-mentioned criteria are met, because 1) there can not be found any motivation to combine the reference teachings because the teachings are clearly considering totally different environments, 2) one or ordinary skill the art would have no motivation for combining a wide-area proxy and a local electronic recognition system in an attempt to achieve the claimed invention, an even if there could be found reasons for the above two criteria. 3) the teachings of Cerf et al. (US6.418.138) in view of Oqasawara (US 6,513.015) do not teach or suggest all claim limitations of the present application based on following remarks.

The present application is concerned with subsidizing the cost of using a

wireless network, particularly a local wireless network constrained to a single room. The present application teaches a system for allowing a user to access communication network through local area communication node in exchange for their personal demographic information. The user will not pay for access to the network directly, but rather it will be subsidized by the local display advertising.

The Examiner has admitted the following in the current Office Action: "It is to be noted that Cerf fails to explicitly disclose the step of receiving the demographic information about the user of at least one mobile device. However, Ogasawara discloses an electronic shopping that provides for customer recognition using wireless identification. A customer ID card is further useful in assisting each customer in making purchase transactions. The customer ID card is used in connection with a customer assistance which is able to develop and display various personalized assistance recommendations based on an analysis of demographic and mobile terminals."

However, when considering the teachings of Ogasawara et al., it is clear that there are no teachings or suggestions relating to providing access to a Local Area Network in exchange of receiving demographic information of a user. In fact, Ogasawara et al. teaches a system for recognizing customers, and the demographic information is maintained at a central database where it can be fetched after recognition.

The claims of the present application teach providing access to the LAN to the at least one mobile device in response of receiving the demographic information about the user of said at least one mobile device by the access node of the LAN. Clearly, the combination of Cerf et al. and Ogasawara fails to teach anything relating

to this limitation. In contrast, the teachings of Cerf et al. are tuned towards wireless networks that the user pays for the access. For example, Cerf's discloses, column 1, lines 54-60, "[w]hen a Ricochet modem is first powered on, it sends a packet to the name server containing the Ricochet modem's serial number. The name server validates the subscription and the service request. If either the subscriber serial number is invalid or the requested service is not what the subscriber has purchased, the accessed request is denied." This is in direct opposition to the limitations in the claims of the present application, in which the user access is independent of a particular existing service contract and where the user does not pay for access. Ogasawara does not remedy or overcome the deficiencies of Cerf et al.

Cerf et al. does not teach anything relating to demographic information, nor does the teachings explicitly permit or deny access to a communication network; that is left as the business of an authentication server. Ogasawara does not remedy the above deficiency because Ogasawara teaches only a recognition system, wherein demographic information is already stored in a central database. Moreover, there are no teachings relating to permission or denial of access to a Local Area network.

The Examiner asserts that Cerf et al. discloses sending user information from a mobile device where the user information includes identification and demographic information about a user, in the abstract, and at col. 2, lines 35-45, and col. 4, lines 51-67. However, these sections of Cerf et al. merely disclose the wireless communication network of Cerf et al. where unicast data packets are converted to multicast data packets being transmitted to mobile units. These portions of Cerf et al. do not disclose or suggest anything related to demographic information about a user, as recited in the claims of the present application.

Further, the Examiner asserts that Cerf et al. discloses sending demographic information about users of a mobile device to an advertising server at the abstract, col. 3, lines 37-59, and col. 5, lines 45-56. However, the abstract just discloses the conversion noted previously, the cited portion of col. 3 merely discloses details about the Internet radio 4 of Fig. 3 and that the user may enter and select a website by pushing buttons on a keyboard, and the portion at col. 5 merely discloses that mobile units willing to receive multicast messages need to inform their neighboring multicast aware radio transceivers that they are interested in receiving multicast messages sent to certain multicast groups. This is not sending demographic information about users of a mobile device to an advertising server, as recited in the claims of the present application.

Moreover, Cerf et al. does not disclose or suggest anything related to displaying commercial messages on one or more displays connected to a LAN for viewing by all persons at a particular location, or commercial messages being displayed having been selected based on demographic information of users. Cerf et al. is related to a system for transmitting data between a mobile unit and the Internet using a multicasting transmission method if more than one user selects the same Internet service (see col. 2, lines 25-29). Cerf et al. does not disclose or suggest anything related to displaying commercial messages. The Examiner asserts that Cerf et al. discloses sending commercial messages to a display at a location for viewing by users at the abstract, col. 1, lines 12-65, and col. 3, lines 37-59. However, col. 1 (Background of the Invention) merely discusses details of the Ricochet wireless network, and the cited portions of col. 3 discloses the Internet radio 4 as noted previously. These portions of Cerf et al. do not disclose or suggest

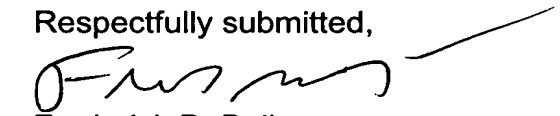
sending commercial messages to a display at a location of users for viewing by users, as recited in the claims of the present application. Moreover, in Cerf et al., data is sent to each mobile unit separately using multicasting, in contrast to commercial messages being sent to one or more displays for viewing by all persons at a location, as recited in the claims of the present application.

Regarding claims 2-17, 19-26, 28-32, 34-38, and 40-42, Applicants submit that these claims are dependent on one of independent claims 1, 18, 27, 33 and 39 noted previously and, therefore, are patentable at least for the same reasons noted regarding these independent claims.

Accordingly, Applicants submit that Cerf et al. does not disclose or suggest the limitations in the combination of each of claims 1-42 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR §1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (referencing case No. 017.38896X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



Frederick D. Bailey
Registration No. 42,282
ANTONELLI, TERRY, STOUT & KRAUS, LLP

FDB/pay
(703) 312-6600